

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SEATTLE AUDUBON SOCIETY, et al.,

Plaintiffs,

v.

DOUG SUTHERLAND, et al.,

Defendants.

No. C06-1608MJP

ORDER REGARDING  
WEYERHAEUSER'S MOTION IN  
LIMINE TO PRECLUDE  
EVIDENCE RE: "IMPAIRMENT OF  
RECOVERY"

This matter comes before the Court on Defendant Weyerhaeuser's motion *in limine* to exclude evidence and/or argument at the preliminary injunction hearing related to (1) the significance (or insignificance) of owls in Southwest Washington or other areas outside of spotted owl special emphasis areas ("SOSEAs") to the conservation and recovery of the northern spotted owl as a species, or (2) whether Washington's Forest Practice Rules should have included a SOSEA in Southwest Washington or elsewhere, as allegedly necessary for the recovery of northern spotted owls. (Dkt. No. 169.) Audubon opposes the motion. (Dkt. No. 192.)

The motion is DENIED without prejudice. Defendants may make these objections at the preliminary injunction hearing if and when Plaintiffs attempt to introduce evidence or argument related to these issues.

The clerk is instructed to distribute copies of this order to all counsel of record.

Dated: June 13<sup>th</sup>, 2007.



Marsha J. Pechman  
United States District Judge